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5 Attorneys for Plaintiff, RONALD RICHMAN

6
7
8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 RONALD RICHMAN,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA, et al.

16 Defendants.
17

) Case No. C07-05317 JCS
)

) **DECLARATION OF KRYSTAL**
) **CORREIA IN OPPOSITION TO MOTION**
) **TO DISMISS FOR LACK OF SUBJECT**
) **MATTER JURISDICTION [FED. R. CIV.**
) **P. 12(b)]**
)

) **Date: August 7, 2008**
) **Time: 8:00 a.m.**
) **Place: Ctrm'9, 19th Floor**
) **Judge: Hon. William H. Alsup**

18 I, Krystal Correia, declare:

- 19
- 20 1. I am currently employed by William G. McDevitt as his legal assistant;
 - 21 2. On November 6, 2007, I was employed by the Law Firm of Brown & McDevitt
22 as an assistant to Lani Hendricks, Mr. McDevitt's former secretary;
 - 23 3. On November 6, 2007 at approximately 2:23 p.m., I transcribed a phone
24 message from Chuck Friederick from the U.S. Fish & Wildlife Department in
25 Sacramento, CA regarding Mr. Richman's case;
 4. I transcribed the message and directed it to Lani Hendricks (Exhibit A);

**DECLARATION OF KRYSTAL CORREIA IN OPPOSITION TO MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION [FED. R. CIV. P. 12(b)]**

1 5. Exhibit A is a true and correct copy of the memo I transcribed and transmitted to
2 Lani Hendricks;

3 6. My standard procedure at that time was to transcribe voice mail messages
4 verbatim and then to deliver them to Lani Hendricks, Mr. McDevitt's legal
5 secretary. The verbatim message I transcribed reads as follows:

6 "We got the summons from Ronald Richman vs. United States Fish and
7 Wildlife. It has to do with a gentlemen named Greg Lacey, who is not
8 nor has been on our payroll. I think we tried to tell somebody that 6 or 8
9 months ago. We think you've got it confused with Fish & Game. But,
10 anyway my number here is 916-414-6606. And, anyway I don't know
 that this is the right place for this. But if somebody could give me a call,
 that would be great."

11 7. To the best of my knowledge, I did not receive or transcribe any other messages
12 from Mr. Friederick regarding the Ronald Richman case.

13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed on July 8, 2008 at Novato, CA.

15 DATED: July 8, 2008

LAW OFFICES OF WILLIAM G. MCDEVITT

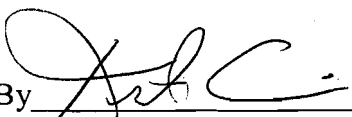
16
17 
18 By _____
 Krystal Correia
 Legal Assistant to William G. McDevitt

EXHIBIT A



Phone Message taken by Krystal

Date: 11/6/2007; 2:23 PM

To: Lani

From: Chuck Freiderick from U.S. Fish & Wildlife in Sacramento 916-414-6606

Re: Richman

"We got the summons from Ronald Richman vs. United States Fish and Wildlife. It has to do with a gentleman named Greg Lacey, who is not nor has been on our payroll. I think we tried to tell somebody that 6 or 8 months ago. We think you've got it confused with Fish & Game. But, anyway my number here is 916-414-6606. And, anyway I don't know that this is the right place for this. But if somebody could give me a call, that would be great."

*City of Contra Costa
was Public Works City Admin
now Dept of Airports*

Richman v. United States of America, et al.
USDC Case No. C07-05317 JCS

PROOF OF SERVICE (Code Civ. Proc. § 1013a)

I am a citizen of the United States. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, CA 94948. I am employed in the County of Marin, where this mailing occurs. I am over eighteen years of age and not a party to the within cause. On the date set forth below, I served the attached document described as:

DECLARATION OF KRYSTAL CORREIA IN OPPOSITION TO MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION [FED. R. CIV. P. 12(b)]

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Abraham A. Simmons
U.S. Attorney's Office
450 Golden Gate Avenue
P.O. Box 36055

San Francisco, CA 94102

Tel: (415) 436-7264

Fax: (415) 436-6748

Email: abraham.simmons@usdoj.gov

**Attorney for Defendant U.S. Department of
Agriculture**

Herb Schwartz

829 Locust Street

Garberville, CA 95542

Tel: (707) 923-2223

Fax: (707) 923-2082

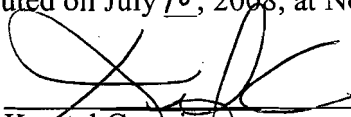
Mediator

☒ **(BY MAIL)** I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on July 10, 2008, following ordinary business practices.

☐ **(BY EXPRESS MAIL OVERNIGHT DELIVERY)** I caused each envelope, with delivery fees provided for, to be deposited in a box regularly maintained by the US Postal Service. I am readily familiar with Brayton Purcell's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Brayton Purcell's business practice the document described above will be deposited in a box or other facility regularly maintained by the US Postal Service at Novato, California on the same date that it is placed at Brayton Purcell for collection

☐ **(BY FACSIMILE)** I caused said documents to be transmitted by facsimile machine to the number indicated after the address(es) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 10, 2008, at Novato, California.



Krystal Correia